

REPLACEMENT SHEETS OF DRAWINGS

Applicant respectfully attaches herewith eighteen (18) Replacement sheets to replace Figs. 1-19.

REMARKS

Claims 1-2, 4-6, 8-31, 33, 35-43, 45-64 are pending in this application. Claims 1, 11, 21, 25, 31, 45, 46, and 63 are independent. Claims 1, 6, 8, 11, 20, 21, 25, 31, 33, 35, 36, 37, 45, 46, 54, 55, 62 and 63 have been amended. No new matter is presented. Claims 3, 7, 32, 34, and 44 have been canceled without prejudice.

The Office Action states, on Page 2, that "Applicant's claim for the benefit under 35 U.S.C. 119(e) to U.S. Provisional Application No. 60/469,496, filed on May 9, 2003 is acknowledged." Applicant respectfully submits that the Specification states that the patent application also claims priority to U.S. Provisional Application No. 60/515,322 filed on October 28, 2003.

Claims 7, 37, 44, and 55 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Without conceding the correctness of this rejection, and solely to advance prosecution of the pending claims, Applicant cancels claims 7 and 44 without prejudice and amends claims 37 and 55. No new matter is presented. Applicant respectfully submits that the claim objections have now been overcome.

Claims 45 and 63-64 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Without conceding the correctness of this rejection, and solely to advance prosecution of the pending claims, Applicant amends claims 45 and 63. No new matter is presented. Applicant respectfully submits that the 112 rejections have now been overcome.

Claims 1-20 and 46-64 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Without conceding the correctness of this rejection, and solely to advance prosecution of the pending claims, Applicant amends claims 1, 11, 21, 25, 31, 45, 46, 62 and 63. No new matter is presented. Applicant respectfully submits that the 101 rejections have now been overcome.

Claims 1-15, 17-18, 20-23, 25-27, 29-34, 36-41, 43-45, and 62-64 were rejected under 35 U.S.C. 102(a) and (e) as being anticipated by U.S. Patent Publication 2004/0078214 (Speiser).

Speiser describes a method and system of providing listing recommendations to users of a network-based commerce system. The method includes identifying at least one frequently used search term associated with an identified division. A link is provided to the user to listings associated with the frequently used search term. The search terms may be ranked by retrieving frequently used search terms from a first memory location and determining a number of listings in each division associated with each frequently used search term. Each frequently used search term may then be ranked based on the number of listings in each division.

Applicant's disclosure relates to systems and methods for providing display, and, more particularly, systems and methods for monitoring and filtering data entered by Internet users to promote products and services on a display medium, such as a computer or outdoor billboard. Certain embodiments of the invention include receiving search queries from multiple users, filtering the search queries based on one or more filtering criteria, and initiating display of filtered search queries to viewers, the viewers remote from the users.

Independent claim 1 recites, in part:

filtering, by the computing device, the search queries based on one or more filtering criteria, the filtering criteria including demographic criteria and wherein the filtering comprises identifying queries having demographic information matching the demographic criteria;

Applicant has incorporated the claim elements of dependent claim 3 into independent claim 1. The Office Action states that the above claim element is found in Speiser at Paragraphs [0045] and [0047]. Paragraph [0047] of Speiser states that Speiser's popular search term list identifies a site via specific criterion. Applicant respectfully submits that even if Speiser's site Id was considered demographic information (which is in no way conceded), there is no filtering of a search query based on this demographic information, as claimed.

The Office Action further states that Speiser describes filtering in paragraph [0056]. Paragraph [0056] of Speiser states that a popular search term is compared against a list of reference or filter words. Applicant respectfully submits that Paragraph [0056] of Speiser does not teach or suggest search queries being filtered based on demographic information. Speiser first identifies sites based on specific criteria (in Paragraph [0047]), but Speiser does not filter search queries based on demographic information, as claimed. There is no filtering of such queries based on demographic information in Speiser.

As a result, claim 1 and the claims that depend from claim 1 are believed to be in condition for allowance over Speiser, alone or in combination with any other art of record. Additionally, independent claims 11, 25, 31, 45, and 63 are also allowable over Speiser, alone or in combination with any other art of record, for the reasons as stated above.

Further, independent claim 21 states, in part:

receiving, by a computing device, user input from multiple users via an on-line application;
automatically selecting, by the computing device, received user input for display based on filtering criteria; and
facilitating, by the computing device, display of data based on the selected user input to users.

The Office Action states that the above claim elements are disclosed in Speiser at Paragraph [0027]. Paragraph [0027] states that frequently used search terms can include terms that are frequently entered by users when conducting searches for listings. Applicant respectfully submits that Paragraph [0027] of Speiser does not teach or suggest receiving users input from users via an on-line application, as claimed in independent claim 21. Further, Speiser does not disclose automatically selecting received user input for display based on filtering criteria, as there is no user input being received from an on-line application in Speiser. Additionally, Speiser does not facilitate display of data based on the selected user input received via an on-line application. As a result, independent claim 21, and the claims that depend from independent claim 21, are believed to be in condition for allowance over Speiser, alone or in combination with any other art of record.

Further, independent claim 62 states, in part:

a portion for containing advertising content; and
a portion for changeably displaying, on the viewing device, search queries that have been filtered in accordance with predetermined filter criteria.

The Office Action states that the claim elements identified above are disclosed in Paragraphs [0085]-[0086] and Figs. 4C, 12A and 12B of Speiser. Applicant respectfully submits that these passages and figures of Speiser do not disclose a portion of an advertisement for containing advertisement content and a portion of the advertisement for changeably displaying search queries that have been filtered in accordance with predetermined filter criteria, as claimed in independent claim 62. There is no portion containing advertisement content in Fig. 4C, 12A

and 12B of Speiser. As a result, independent claim 62 is believed to be in condition for allowance over Speiser, alone or in combination with any other art of record.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in an interview, the Examiner is requested to telephone the Applicant's representative. The Applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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